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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/714,087

11/13/2003

Stephen Neusbul

60414P002D2X

9495

8791

7590

03/23/2007

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EXAMINER

WEBB, CHRISTOPHER G

ART UNIT

PAPER NUMBER

2884

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/23/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/714,087

Applicant(s)

NEUSBUL, STEPHEN

Examiner

Christopher G. Webb

Art Unit

2884

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6, 7 and 17 is/are pending in the application.
- 4a) Of the above claim(s) 4, 5 and 13-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6, 7 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Response to Arguments***

Applicant's arguments filed 13 Dec. 2006 have been fully considered but they are not persuasive. Regarding the teaching of "a housing to securely hold the photostimulable unit," the potential for sliding does not negate the fact that the housing securely holds the unit. The Examiner notes the latching mechanism (col. 2, lines 51-54) and respectfully invites the Applicant to point out the degree to which the unit must be fastened or the specific mechanism which must be present for the holding to be considered secure. Moreover, the Applicant asserts that the phosphor plate inserted within a shell is not a cover movably coupled to the housing to move between a first position concealing the unit and a second revealing it. The Examiner draws attention to Col. 2, lines 55-58, of Wendlandt stating that the phosphor assembly is removably contained within the enclosure.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Wendlandt et al. (US 5,861,631, hereafter Wendlandt).

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With respect to claims 1-3, Wendlandt discloses an apparatus comprising: a photostimulable unit in the form of a computed radiography plate (fig. 4, element 32); housing to hold the photostimulable unit (fig. 1, element 10); and a sliding panel (fig. 1, element 12) movably coupled with the apparatus to move between a first position concealing the photostimulable unit and a second position revealing the unit (col. 2, lines 51-58).

As to claim 6, Wendlandt discloses that the apparatus comprises a release mechanism coupled to the housing to release the cover from the first position (col. 2, lines 51-54).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wendlandt as applied to claim 3 above, and further in view of Struye et al. (US 2004/0124368 A1, hereafter Struye).

Wendlandt does not teach that the CR plate has a concave surface. Struye teaches that a CR plate may have a concave surface (paragraph [0053]). It would have been obvious at the time of invention to one of ordinary skill in the art to use a concave surface as taught by Struye in combination with the CR plate of Wendlandt. The

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concave surface of the CR plate would be useful, for example, in a apparatus where pressure changes are accomplished by the blowing of air into the inner area of a cassette as taught by Struye.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wendlandt in view of Ohta et al. (US 5,308,994, hereafter Ohta).

As to claim 17, Wendlandt discloses an apparatus comprising: a photostimulable unit in the form of a computed radiography plate (fig. 4, element 32); housing to hold the photostimulable unit (fig. 1, element 10); and a cover (fig. 1, element 12) movably coupled with the apparatus to move between a first position concealing the photostimulable unit and a second position revealing the unit (col. 2, lines 51-58). Wendlandt does not teach that the unit remains in the housing while the photostimulable unit is in the second position. Ohta teaches a housing that has a position exposing a securely held photostimulable unit (fig. 4). It would have been obvious at the time of invention to one of ordinary skill in the art to modify the apparatus of Wendlandt to feature a position in which the stimuable phosphor is revealed but still contained within the housing. This would allow the plate to be extracted mechanically along a guide apparatus within the housing, or another similar feature.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 4,870,285, US 5,441,251, US 6,068,439 also contain relevant prior art.

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**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

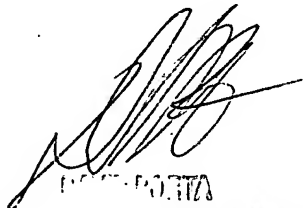
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher G. Webb whose telephone number is (571) 272-8449. The examiner can normally be reached on 9AM - 5:30PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CGW



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